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William Butler, Kristen Butler, and ArieYL, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MY DAILY CHOICE, INC.,

Plaintiff/
Counterclaim-Defendant,

v.

WILLIAM T. BUTLER;
KRISTEN BUTLER; and ARIEYL, LLC,

Defendants/
Counterclaim-Plaintiffs/
Third Party Plaintiffs,

v.

JOSH ZWAGIL, JENNA ZWAGIL, and
KARLI THOMAS,

Third Party Defendants.

Case No. 2:20-cv-02178-JAD-NJK

**STIPULATION AND ORDER TO
EXTEND DEADLINE FOR
DEFENDANTS-COUNTERCLAIM
PLAINTIFFS TO RESPOND TO
COUNTERCLAIM-DEFENDANT
MY DAILY CHOICE, INC.'s
MOTION TO DISMISS
(Second Request)**

ECF No. 83

MY DAILY CHOICE, INC.,

Plaintiff,

v.

MARISSA BROOKE DONNELL,

Defendant.

Case No. 2:20-cv-02225-JAD-NJK

MY DAILY CHOICE, INC.,

Plaintiff,

v.

SKYLAR LAMBERT,

Defendant.

Case No. 2:20-cv-02228-JAD-NJK

MY DAILY CHOICE, INC.,

Plaintiff,

v.

DANIELLE LITUSKI and CHAD LITUSKI,

Defendants.

Case No. 2:20-cv-02232-JAD-NJK

Pursuant to LR IA 6-2, LR 7-1, the Parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend the date by which Defendants-Counterclaim Plaintiffs William T. Butler, Kristen Butler, and Arieyl, LLC (“Defendants”) may respond to Counterclaim-Defendants’ Motion to Dismiss from December 10, 2021 until January 19, 2021.

In support of this Stipulation, the Parties state as follows:

1. MDC filed its First Amended Complaint on September 16, 2021. *See* ECF No. 59.
2. Defendants-Counterclaim Plaintiffs William Butler, Kristen Butler and Arieyl, LLC filed their Answer to First Amended Complaint, Counterclaim, and Third Party Complaint on October 7, 2021. *See* ECF No. 64.
3. Counterclaim Defendant filed its Motion to Dismiss November 11, 2021. *See* ECF No. 80. Counterclaimants response to the Motion to Dismiss is currently due on December 10, 2021.
4. Third Party Defendants were served via their counsel on November 29, 2021, and their response to the Third Party Complaint is due on December 20, 2021.

5. Defendants' response to Counterclaim Defendant MDC's Motion to Dismiss was initially extended from November 26, 2021 to December 10, 2021. *See* ECF No. 82.

6. Counsel for the Parties met and conferred on December 9, 2021. Counsel for Counterclaimants/Third Party Plaintiffs requested that its response to Counter Defendant's Motion to Dismiss and Third Party Defendants' anticipated motion be due on the same day. Counsel for Counter Defendant/Third Party Defendants agreed.

7. On that date, counsel for Counterclaimants/Third Party Plaintiffs requested an extension to respond, as a personal emergency over the Thanksgiving weekend had taken up much of his time and ability to respond to Counter Defendant's Motion to Dismiss. Counsel for Counter Defendant/Third Party Defendants agreed.

8. Counsel for the Parties met and conferred on December 9, 2021 and agreed to extend the date by which Counterclaimants/Third Party Plaintiffs must respond to Counter Defendant's Motion to Dismiss by 30 days from December 20, 2021 until January 19, 2021.

9. Good cause exists to extend the time by which Counterclaimants/Third Party Plaintiffs are required to respond to Counter Defendant's Motion to Dismiss due to personal emergencies beyond Counterclaimants/Third Party Plaintiffs counsel's control. Counterclaimants' counsel requires some additional time to examine the facts and circumstances alleged in the Motion to Dismiss before preparing and filing a responsive pleading. As stated, other Counterclaim Defendants are likely to file their Motions to Dismiss in the intervening time, and in the interest of judicial economy, all responses will be consolidated.

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Accordingly, the Parties hereto stipulate that the date by which Counterclaimants/Third Party Plaintiffs shall file their response to Counterclaim Defendants' Motion to Dismiss is extended 30 days from December 20, 2021.

IT IS SO STIPULATED.

Dated: December 9, 2021.

Respectfully Submitted,

/s/ Ronald D. Green

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2764 Lake Sahara Drive, Suite 109

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Attorneys for Defendants

William T. Butler, Kristen Butler, and Arieyl, LLC

Dated: December 9, 2021.

Respectfully Submitted,

/s/ Ross M. Campbell

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Attorneys for Plaintiff

My Daily Choice, Inc.

ORDER

Good cause appearing, IT IS HEREBY ORDERED that the deadline to respond to Defendant's Motion to Dismiss [ECF No. 80] is EXTENDED to January 19, 2022.



U.S. District Judge Jennifer A. Dorsey

Dated: December 14, 2021